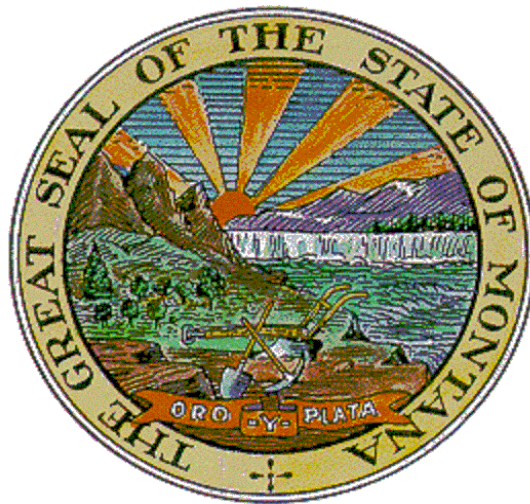


State of Montana
Department of Labor and Industry
Business Standards Division

PROGRAM SPECIFIC STATUTES RELATING TO CRANE OPERATORS



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UPDATED 2005

**TITLE 50
CHAPTER 76
PART 1**

HOISTING ENGINES

Part 1 -- General Provisions

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Chapter Cross-References

Workers' compensation, Title 39, ch. 71.

Part 1

General Provisions

50-76-101. Where chapter not to apply. (1) This chapter shall not apply to hoisting engines, air compressors, or elevators under federal control or to operating elevators in completed private or public buildings.

(2) The provisions of this chapter shall not apply to forklifts and front-end and rear-end loaders or line trucks and bucket trucks. For the purposes of this section, "line trucks" are hoisting and digging devices mounted on a standard manufacturer's truck chassis with an all-weather cab capable of transporting a driver and two or more

crewmembers. Line trucks are equipped with a hydraulically operated, telescoping boom which uses a nonmetallic cable for hoisting. Line trucks may be equipped with a rotary digging device and are capable of attaining maximum allowable highway speeds. "Bucket trucks" are personnel-lifting devices designed to lift personnel to work stations above ground. Bucket trucks are not designed for the purposes intended for a line truck.

History: (1)En. Sec. 3, Ch. 104, L. 1915; amd. Sec. 2, Ch. 31, L. 1919; re-en. Sec. 2732, R.C.M. 1921; re-en. Sec. 2732, R.C.M. 1947; amd. Sec. 19, Ch. 225, L. 1971; amd. Sec. 4, Ch. 456, L. 1975; Sec. 69-1603, R.C.M. 1947; (2)En. Sec. 1, Ch. 104, L. 1915; amd. Sec. 1, Ch. 31, L. 1919; re-en. Sec. 2730, R.C.M. 1921; re-en. Sec. 2730, R.C.M. 1935; amd. Sec. 17, Ch. 225, L. 1971; amd. Sec. 35, Ch. 182, L. 1975; amd. Sec. 1, Ch. 456, L. 1975; Sec. 69-1601, R.C.M. 1947; R.C.M. 1947, 69-1601(5), 69-1603(2); amd. Sec. 1, Ch. 288, L. 1983; amd. Sec. 1, Ch. 247, L. 1987.

50-76-102. Hoisting engine license required. (1) (a) It is unlawful for a person to operate any hoisting engine driven by any power when used in lowering or hoisting personnel or material in industrial operations or on construction projects without first obtaining a license from the department.

(b) In emergencies under 50-74-317 relating to the employment of unlicensed engineers, the provisions of that section apply to the operation of the engines and machinery named in this section.

(2) First-class hoisting engineers must be licensed to operate hoisting engines driven by any power and unlimited horsepower used in the lowering or hoisting of personnel or material in industrial operations or on construction projects.

(3) Second-class hoisting engineers must be licensed to operate hoisting engines driven by any power and not in excess of 100 brake horsepower used in the lowering or hoisting of personnel or material in industrial operations or on construction projects.

(4) The provisions of this section do not apply to hoists and cranes defined in 50-76-103.

History: En. Sec. 1, Ch. 104, L. 1915; amd. Sec. 1, Ch. 31, L. 1919; re-en. Sec. 2730, R.C.M. 1921; re-en. Sec. 2730, R.C.M. 1935; amd. Sec. 17, Ch. 225, L. 1971; amd. Sec. 35, Ch. 182, L. 1975; amd. Sec. 1, Ch. 456, L. 1975; R.C.M. 1947, 69-1601(1) thru (4); amd. Sec. 64, Ch. 613, L. 1989; amd. Sec. 22, Ch. 514, L. 1995; amd. Sec. 187, Ch. 483, L. 2001.

50-76-103. Crane and hoist license required. (1) (a) It is unlawful for a person to operate any crane and hoist equipment, when used in hoisting or lowering personnel or material, that has a manufacturer's load chart rating of 6 tons or more or to operate a tower crane of any capacity without first obtaining a license from the department. The crane and hoist equipment includes overhead trolley and gantry cranes used only in construction and excludes equipment with excavation attachments or log loading equipment when in use.

(b) In emergencies, 50-74-317 applies to the operation of the equipment named in this section.

(2) Licensing is as follows:

(a) Licensed first-class crane and hoist engineers may operate any hoisting equipment in industrial or construction operations.

(b) (i) An applicant for a first-class crane and hoist engineer's license must be at least 18 years of age and, except as provided in 50-76-113:

(A) may not have less than 1 year of experience operating equipment requiring a second-class crane and hoist engineer's license or shall demonstrate equivalent competency by examination; and

(B) shall pass a written test prescribed by the department.

(ii) A biennial physical exam is required of all first-class licensees.

(c) Licensed second-class crane and hoist engineers may operate crane and hoist equipment with a manufacturer's load chart rating of between 6 tons and 17.5 tons or a tower crane of any capacity.

(d) (i) An applicant for a second-class crane and hoist engineer's license must be at least 18 years of age and, and except as provided in 50-76-113:

(A) may not have less than 1 year of experience in actual operation of crane and hoist equipment covered by this section or shall demonstrate equivalent competency by examination; and

(B) shall pass a written examination prescribed by the department.

(ii) A biennial physical exam is required of all second-class licensees.

(e) Licensed third-class crane and hoist engineers may move all truck cranes driven by any power and of any capacity. This license requirement also applies to truck crane oilers who move truck cranes.

(f) An applicant for a third-class crane and hoist engineer's license is required to successfully pass a written test prescribed by the department and must be at least 18 years of age before receiving a license.

(3) The department shall reexamine each licensee every 5 years during the anniversary month of the issuance of the license if the licensee has not worked at the trade for 5 years.

History: En. 69-1601.1 by Sec. 2, Ch. 456, L. 1975; amd. Sec. 1, Ch. 148, L. 1977; R.C.M. 1947, 69-1601.1; amd. Sec. 64, Ch. 613, L. 1989; amd. Sec. 23, Ch. 514, L. 1995; amd. Sec. 44, Ch. 481, L. 1997; amd. Sec. 3, Ch. 65, L. 2001; amd. Sec. 188, Ch. 483, L. 2001; amd. Sec. 1, Ch. 93, L. 2005.

50-76-104. Application, examination, and fee for license. (1) Application for licenses must be made to the department and submitted with the appropriate fee that is set commensurate with the cost of administering this program, to be deposited in the state special revenue fund for use by the department.

(2) The department shall determine by rule the fees to be charged an applicant for each examination and reexamination. The fees must be commensurate with costs.

(3) The department may use a third party to perform examination and grading services.

History: En. Sec. 2, Ch. 104, L. 1915; re-en. Sec. 2731, R.C.M. 1921; re-en. Sec. 2731, R.C.M. 1935; amd. Sec. 18, Ch. 225, L. 1971; amd. Sec. 36, Ch. 182, L. 1975; amd. Sec. 3, Ch. 456, L. 1975; R.C.M. 1947, 69-1602(part); amd. Sec. 64, Ch. 613, L. 1989; amd. Sec. 24, Ch. 514, L. 1995; amd. Sec. 45, Ch. 481, L. 1997; amd. Sec. 189, Ch. 483, L. 2001; amd. Sec. 27, Ch. 196, L. 2003.

50-76-105. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 2, Ch. 104, L. 1915; re-en. Sec. 2731, R.C.M. 1921; re-en. Sec. 2731, R.C.M. 1935; amd. Sec. 18, Ch. 225, L. 1971; amd. Sec. 36, Ch. 182, L. 1975; amd. Sec. 3, Ch. 456, L. 1975; R.C.M. 1947, 69-1602(part); amd. Sec. 55, Ch. 492, L. 1997; amd. Sec. 190, Ch. 483, L. 2001.

50-76-106. Repealed. Sec. 46, Ch. 481, L. 1997.

History: En. Sec. 2, Ch. 104, L. 1915; re-en. Sec. 2731, R.C.M. 1921; re-en. Sec. 2731, R.C.M. 1935; amd. Sec. 18, Ch. 225, L. 1971; amd. Sec. 36, Ch. 182, L. 1975; amd. Sec. 3, Ch. 456, L. 1975; R.C.M. 1947, 69-1602(part); amd. Sec. 64, Ch. 613, L. 1989; amd. Sec. 25, Ch. 514, L. 1995.

50-76-107. Scope of license. A license granted under this chapter entitles the holder to operate any of the machinery named in 50-76-102 and 50-76-103, and the license shall specify that machinery, but no license issued shall authorize or qualify the person to whom issued to operate a boiler, steam engine, steam-driven machinery, or air compressor.

History: En. Sec. 3, Ch. 104, L. 1915; amd. Sec. 2, Ch. 31, L. 1919; re-en. Sec. 2732, R.C.M. 1921; re-en. Sec. 2732, R.C.M. 1947; amd. Sec. 19, Ch. 225, L. 1971; amd. Sec. 4, Ch. 456, L. 1975; R.C.M. 1947, 69-1603(1).

50-76-108. Renewal of application by rejected candidate. Any person who has applied for a license under this chapter and has been rejected may renew his application for a license within the time and in the manner prescribed in 50-74-312.

History: En. Sec. 6, Ch. 104, L. 1915; re-en. Sec. 2735, R.C.M. 1921; amd. Sec. 5, Ch. 456, L. 1975; R.C.M. 1947, 69-1606.

50-76-109. Violation of chapter -- misdemeanor. (1) A person who operates a crane, hoist, or other equipment described in 50-76-102 or 50-76-103 for which a crane and hoist engineer's license is required without first obtaining a license, and every owner, employer, or manager of the crane, hoist, or other equipment who permits an unlicensed person to operate the crane, hoist, or other equipment is guilty of a misdemeanor.

(2) A person who knowingly operates or an owner, employer, or manager who knowingly allows the operation of a crane, hoist, or other equipment in violation of the rules adopted pursuant to 50-76-110(2) is guilty of a misdemeanor.

History: En. Sec. 7, Ch. 104, L. 1915; re-en. Sec. 2736, R.C.M. 1921; re-en. Sec. 2736, R.C.M. 1935; amd. Sec. 21, Ch. 225, L. 1971; amd. Sec. 7, Ch. 456, L. 1975; amd. Sec. 2, Ch. 148, L. 1977; R.C.M. 1947, 69-1607; amd. Sec. 4, Ch. 93, L. 2005.

Cross-References

Criminal responsibility of corporations, 45-2-311.

Misdemeanor penalty when none specified, 46-18-212.

50-76-110. Crane inspector -- qualifications -- inspections. (1) The department shall employ at least one crane inspector. A crane inspector must have a minimum of 3 years of experience operating cranes and must have been licensed for at least 1 year as a first-class crane and hoist engineer.

(2) The department may adopt by rule applicable operating and safety standards established by the American national standards institute.

(3) A crane inspector may require that a crane, hoist, or other equipment subject to this chapter that is not being operated in compliance with an operating or safety

standard adopted by rule pursuant to subsection (2) be declared to be out of service and that the crane, hoist, or other equipment not be operated until the noncompliance is cured.

History: En. 69-1608 by Sec. 6, Ch. 456, L. 1975; R.C.M. 1947, 69-1608; amd. Sec. 64, Ch. 613, L. 1989; amd. Sec. 26, Ch. 514, L. 1995; amd. Sec. 191, Ch. 483, L. 2001; amd. Sec. 5, Ch. 93, L. 2005.

50-76-111. Definitions. As used in this part, the following definitions apply:

(1) "Crane" means a machine with a hoisting mechanism that is integral to the machine and that is used for lifting and lowering a load and for moving it horizontally.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Gantry crane" and "trolley crane" are synonymous and mean a crane similar to an overhead crane except that the bridge for carrying the trolley or trolleys is rigidly supported on two or more legs running on fixed rails or another type of runway.

(4) "Hoist" means a power-driven apparatus capable of lifting and lowering loads and not designed to facilitate horizontal movements.

History: En. Sec. 40, Ch. 481, L. 1997; amd. Sec. 192, Ch. 483, L. 2001.

50-76-112. Rulemaking authority. (1) The department may adopt rules consistent with the purposes of this chapter for the administration of the following classes of crane and hoist operators:

- (a) crane and hoist oiler;
- (b) crane and hoist hoisting;
- (c) crane and hoist hydraulic;
- (d) crane gantry and trolley;
- (e) hoists;
- (f) mine hoists;
- (g) hydraulic and boom trucks;
- (h) tower crane; and
- (i) air tugger winches, other than air tugger winches on equipment used to drill oil, natural gas, or water wells.

(2) In adopting rules pertaining to inspections and safety requirements, the department may consult with engineering authorities and organizations concerned with safety codes, rules, and regulations governing the operation, testing, maintenance, and inspection of cranes, hoists, and other equipment subject to the provisions of this chapter.

History: En. Sec. 41, Ch. 481, L. 1997; amd. Sec. 6, Ch. 93, L. 2005.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.

50-76-113. Recognition of national certification. (1) The department shall issue a first-class or second-class crane and hoist engineer's license to any individual who is certified by the national commission for the certification of crane operators as

having qualifications that are at least substantially equivalent to the requirements of this state for licensing as a first-class or second-class crane and hoist engineer.

(2) An individual licensed under this section is subject to all requirements of this chapter pertaining to licensed first-class or second-class crane and hoist engineers, including license fees, biennial physical exams, and 5-year reexaminations.

History: En. Sec. 2, Ch. 93, L. 2005.

50-76-114. Failure of licensee to have possession of license or proof of license while operating equipment. (1) A person may not operate any equipment covered by licensure under this chapter unless the person has possession of the license or proof of licensure at the time the person is operating the equipment.

(2) The department shall issue a citation to any person violating the provisions of subsection (1). The department may direct an employee of the department to conduct onsite inspections to determine compliance with subsection (1) and to issue citations for violations of subsection (1).

(3) The citation must include:

- (a) the time and date on which the citation is issued;
- (b) the name, address, and mailing address of the person receiving the citation;
- (c) information explaining the procedure for paying the fine or for providing the department with proof of licensure;
- (d) a statement that the amount of the fine is \$100 and that the person receiving the citation has 30 days from the date of the citation to pay the fine or to submit proof of licensure to the department; and

(e) a statement that failure to pay the fine or to provide proof of licensure may result in revocation of the license of the person receiving the citation.

(4) The department shall waive the fine for any person who provides proof of licensure within the 30-day period provided in subsection (3)(d).

History: En. Sec. 3, Ch. 93, L. 2005.